

106TH CONGRESS
2D SESSION

S. 2510

To establish the Social Security Protection, Preservation, and Reform
Commission.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2000

Mr. MCCAIN (for himself, Mr. MOYNIHAN, and Mr. KERREY) introduced the
following bill; which was read twice and referred to the Committee on Finance

A BILL

To establish the Social Security Protection, Preservation,
and Reform Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security Protec-
5 tion, Preservation, and Reform Commission Act of 2000”.

6 **TITLE I—FINDINGS AND**
7 **OBJECTIVES OF REFORM**

8 **SEC. 101. FINDINGS.**

9 Congress makes the following findings:

1 (1) Two-thirds of Americans depend on social
2 security for half or more of their income and 47 per-
3 cent of beneficiaries would be in poverty without
4 their social security benefits.

5 (2) Social security is an unbreakable compact
6 between workers and retirees across generations that
7 must be honored and needs to be sustained.

8 (3) The social security trust funds will begin to
9 run a cash-flow deficit in 2015 and trust fund assets
10 are expected to be exhausted by 2037.

11 (4) Americans covered by the social security
12 program are required to pay into a system from
13 which they can expect lower rates of return than
14 earlier generations.

15 (5) Each year that comprehensive reform of the
16 social security system is postponed, restoring actu-
17 arial solvency to the trust funds becomes more ex-
18 pensive and places a greater financial burden on cur-
19 rent and future workers.

20 **SEC. 102. OBJECTIVES OF REFORM.**

21 Congress must act to reform the social security sys-
22 tem so that—

23 (1) beneficiaries receive the benefits to which
24 they are entitled based on a fair and equitable re-
25 form of that system;

1 (2) the long-term solvency of the social security
2 system is guaranteed for at least 75 years without
3 any foreseeable funding shortfall immediately fol-
4 lowing that period and cash-flow deficits and pres-
5 sure on future general revenues to pay benefits is
6 significantly reduced;

7 (3) every generation of workers is guaranteed a
8 reasonable comparable rate of return on all tax con-
9 tributions;

10 (4) all Americans, particularly low-income work-
11 ers, are provided the opportunity to share in our Na-
12 tion's economic prosperity and create wealth for
13 themselves and future generations through a private
14 investment account under that system;

15 (5) revenues flowing into the Federal Old-Age,
16 Survivors, and Disability Trust Funds are protected
17 from congressional or other efforts to spend on non-
18 social security related purposes; and

19 (6) resources are made available from surplus
20 non-social security revenues to preserve and protect
21 the social security system while implementing re-
22 form.

1 **TITLE II—SOCIAL SECURITY**
2 **REFORM COMMISSION**

3 **SEC. 201. ESTABLISHMENT OF COMMISSION.**

4 There is established a commission to be known as the
5 Social Security Protection, Preservation, and Reform
6 Commission (in this title referred to as the “Commis-
7 sion”).

8 **SEC. 202. DUTIES.**

9 (a) RECOMMENDATIONS FOR REFORM.—Not later
10 than September 1, 2001, the Commission shall make spe-
11 cific recommendations to Congress for reform of the social
12 security system established under title II of the Social Se-
13 curity Act (42 U.S.C. 401 et seq.) in a manner that incor-
14 porates the objectives of reform set forth in section 102.

15 (b) LEGISLATIVE LANGUAGE.—The recommenda-
16 tions required under subsection (a) shall include legislative
17 language necessary for carrying out such recommenda-
18 tions. The Commission shall develop such legislative lan-
19 guage after conducting such public hearings and con-
20 sulting with such public or private entities as the Commis-
21 sion considers necessary and appropriate to make the rec-
22 ommendations required under subsection (a).

23 **SEC. 203. MEMBERSHIP.**

24 (a) IN GENERAL.—The Commission shall be com-
25 posed of 13 members as follows:

1 (1) Two congressional Members shall be ap-
2 pointed by the Speaker of the House of Representa-
3 tives.

4 (2) Two congressional Members shall be ap-
5 pointed by the Minority Leader of the House of Rep-
6 resentatives.

7 (3) Two congressional Members shall be ap-
8 pointed by the Majority Leader of the Senate.

9 (4) Two congressional Members shall be ap-
10 pointed by the Minority Leader of the Senate.

11 (5) The Chairman of the Committee on Finance
12 of the Senate.

13 (6) The Ranking Member of the Committee on
14 Finance of the Senate.

15 (7) The Chairman of the Committee on Ways
16 and Means of the House of Representatives.

17 (8) The Ranking Member of the Committee on
18 Ways and Means of the House of Representatives.

19 (10) The Commissioner of Social Security, who
20 shall be an ex officio member of the Commission.

21 (b) DEADLINE FOR APPOINTMENTS.—The members
22 of the Commission shall be appointed not later than Feb-
23 ruary 1, 2001.

1 (c) CO-CHAIRMEN.—The Commission shall designate
2 2 members of the Commission to serve as Co-chairmen
3 of the Commission.

4 (d) TERMS.—Each member of the Commission shall
5 serve on the Commission and, with respect to the Co-
6 chairmen, in such capacity, until the earlier of the date
7 the Commission terminates or September 16, 2001.

8 (e) VACANCIES.—Any vacancy in the membership of
9 the Commission shall be filled in the manner in which the
10 original appointment was made and shall not affect the
11 power of the remaining members to execute the duties of
12 the Commission.

13 **SEC. 204. QUORUM.**

14 A quorum shall consist of 7 voting members of the
15 Commission.

16 **SEC. 205. MEETINGS.**

17 (a) IN GENERAL.—The Commission shall meet at the
18 call of the Co-chairmen or a majority of its members.

19 (b) INITIAL MEETING.—The Commission shall con-
20 duct its first meeting not later than March 1, 2001.

21 (c) OPEN MEETINGS.—Each meeting of the Commis-
22 sion, other than meetings in which classified information
23 is to be discussed, shall be open to the public.

1 **SEC. 206. POLICIES AND PROCEDURES.**

2 The Commission shall establish policies and proce-
3 dures for carrying out the functions of the Commission
4 under this Act.

5 **SEC. 207. STAFF DIRECTOR AND STAFF.**

6 (a) STAFF DIRECTOR.—The Co-chairmen, with the
7 advice and consent of the members of the Commission,
8 shall appoint a Staff Director who is not otherwise, and
9 has not during the 1-year period preceding the date of
10 such appointment served as, an officer or employee in the
11 executive branch and who is not and has not been a Mem-
12 ber of Congress. The Staff Director shall be paid at a rate
13 not to exceed the rate of basic pay payable for level IV
14 of the Executive Schedule under section 5315 of title 5,
15 United States Code.

16 (b) STAFF.—

17 (1) IN GENERAL.—The Staff Director, with the
18 approval of the Commission, may appoint and fix
19 pay of additional personnel. The Staff Director may
20 take such appointments without regard to the provi-
21 sions of title 5, United States Code, governing ap-
22 pointment in the competitive service, and any per-
23 sonnel so appointed may be paid without regard to
24 the provisions of chapter 51 and subchapter III of
25 chapter 53 of such title relating to classification and
26 General Schedule pay rates, except that an indi-

vidual so appointed may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(2) DETAILEES.—

(A) IN GENERAL.—Upon request of the Staff Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act. Not more than $\frac{1}{3}$ of the personnel employed by or detailed to the Commission may be on detail from any Federal agency.

(B) ADDITIONAL RESTRICTIONS.—

(i) PERSONNEL.—Not more than $\frac{1}{3}$ of the personnel detailed to the Commission may be on detail from any Federal agency that deals directly or indirectly with the administration of the social security system.

(ii) ANALYSTS.—Not more than $\frac{1}{5}$ of the professional analysts of the Commission may be individuals detailed from a Federal agency that deals directly or indi-

1 rectly with the administration of the social
2 security system.

3 (3) EXPERTS AND CONSULTANTS.—The Com-
4 mission may procure by contract, to the extent funds
5 are available, the temporary or intermittent services
6 of experts or consultants pursuant to section 3109
7 of title 5, United States Code.

8 (4) FEDERAL OFFICER OR EMPLOYEE.—No
9 member of a Federal agency, and no officer or em-
10 ployee of a Federal agency may—

11 (A) prepare any report concerning the ef-
12 fectiveness, fitness, or efficiency of the perform-
13 ance on the staff of the Commission of any in-
14 dividual detailed from a Federal agency to that
15 staff;

16 (B) review the preparation of such report;
17 or

18 (C) approve or disapprove such a report.

19 (5) LIMITATION ON STAFF SIZE.—Not more
20 than 25 individuals (including any detailees) may
21 serve on the staff of the Commission at any time.

22 **SEC. 208. POWERS.**

23 (a) HEARINGS AND OTHER ACTIVITIES.—For the
24 purpose of carrying out its duties, the Commission may
25 hold such hearings and undertake such other activities as

1 the Commission determines to be necessary to carry out
2 its duties.

3 (b) STUDIES BY GENERAL ACCOUNTING OFFICE.—

4 Upon the request of the Commission, the Comptroller
5 General shall conduct such studies or investigations as the
6 Commission determines to be necessary to carry out its
7 duties.

8 (c) COST ESTIMATES BY CONGRESSIONAL BUDGET

9 OFFICE.—Upon the request of the Commission, the Direc-
10 tor of the Congressional Budget Office shall provide to the
11 Commission such cost estimates as the Commission deter-
12 mines to be necessary to carry out its duties.

13 (d) TECHNICAL ASSISTANCE.—Upon the request of

14 the Commission, the head of a Federal agency shall pro-
15 vide such technical assistance to the Commission as the
16 Commission determines to be necessary to carry out its
17 duties.

18 (e) USE OF MAILS.—The Commission may use the

19 United States mails in the same manner and under the
20 same conditions as Federal agencies, and shall, for pur-
21 poses of the frank, be considered a commission of Con-
22 gress as described in section 3215 of title 39, United
23 States Code.

24 (f) OBTAINING INFORMATION.—The Commission

25 may secure directly from any Federal agency information

1 necessary to enable it to carry out its duties, if the infor-
2 mation may be disclosed under section 552 of title 5,
3 United States Code. Upon request of the Co-chairmen of
4 the Commission, the head of such agency shall furnish
5 such information to the Commission.

6 (g) ADMINISTRATIVE SUPPORT SERVICES.—Upon
7 the request of the Commission, the Administrator of Gen-
8 eral Services shall provide to the Commission on a reim-
9 bursable basis such administrative support services as the
10 Commission may request.

11 (h) ACCEPTANCE OF DONATIONS.—The Commission
12 may accept, use, and dispose of gifts or donations of serv-
13 ices or property.

14 (i) PRINTING.—For purposes of costs relating to
15 printing and binding, including the costs of personnel de-
16 tailed from the Government Printing Office, the Commis-
17 sion shall be deemed to be a committee of the Congress.

18 **SEC. 209. TERMINATION.**

19 The Commission shall terminate 15 days after the
20 date of submission of the recommendations for reform re-
21 quired under section 202.

22 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated to carry out
24 this title, such sums as may be necessary for the Commis-
25 sion to carry out its duties under this title.

1 **TITLE III—CONGRESSIONAL**
2 **CONSIDERATION OF REC-**
3 **OMMENDATIONS**

4 **SEC. 301. CONGRESSIONAL CONSIDERATION OF REC-**
5 **OMMENDATIONS.**

6 (a) INTRODUCTION OF RECOMMENDATIONS AND
7 COMMITTEE CONSIDERATION.—

8 (1) INTRODUCTION.—The legislative language
9 transmitted pursuant to section 202(b) with the rec-
10 ommendations for reform of the Commission shall be
11 in the form of a bill (in this title referred to as the
12 “reform bill”). Such reform bill shall be introduced
13 in the House of Representatives by the Speaker, and
14 in the Senate, by the Majority Leader, immediately
15 upon receipt of the language and such reform bill
16 shall be referred to the appropriate committee of
17 Congress under paragraph (2). If the reform bill is
18 not introduced in accordance with the preceding sen-
19 tence, the reform bill may be introduced in either
20 House of Congress by any member thereof.

21 (2) COMMITTEE CONSIDERATION.—

22 (A) REFERRAL.—A reform bill introduced
23 in the House of Representatives shall be re-
24 ferred to the Committee on Ways and Means of
25 the House of Representatives. A reform bill in-

1 introduced in the Senate shall be referred to the
2 Committee on Finance of the Senate.

3 (B) REPORTING.—Not later than 30 days
4 after the introduction of the reform bill, the
5 committee of Congress to which the reform bill
6 was referred shall report the bill or a committee
7 amendment thereto.

8 (C) DISCHARGE OF COMMITTEE.—If the
9 committee to which is referred a reform bill has
10 not reported such reform bill (or an identical
11 reform bill) at the end of 30 calendar days after
12 its introduction or at the end of the first day
13 after there has been reported to the House in-
14 volved a reform bill, whichever is earlier, such
15 committee shall be deemed to be discharged
16 from further consideration of such reform bill
17 and such reform bill shall be placed on the ap-
18 propriate calendar of the House involved.

19 (b) EXPEDITED PROCEDURE.—

20 (1) CONSIDERATION.—

21 (A) IN GENERAL.—Not later than 2 days
22 after the date on which a committee has been
23 discharged from consideration of a reform bill,
24 the Speaker of the House of Representatives, or
25 the Speaker's designee, or the Majority Leader

1 of the Senate, or the Leader's designee, shall
2 move to proceed to the consideration of the
3 committee amendment to the reform bill, and if
4 there is no such amendment, to the reform bill.
5 It shall also be in order for any member of the
6 House of Representatives or the Senate, respec-
7 tively, to move to proceed to the consideration
8 of the reform bill at any time after the conclu-
9 sion of such 2-day period.

10 (B) POINTS OF ORDER WAIVED.—All
11 points of order against the reform bill (and
12 against consideration of the reform bill) are
13 waived.

14 (C) MOTION TO PROCEED.—A motion to
15 proceed to the consideration of the reform bill
16 is highly privileged in the House of Representa-
17 tives and is privileged in the Senate and is not
18 debatable. The motion is not subject to amend-
19 ment, to a motion to postpone consideration of
20 the reform bill, or to a motion to proceed to the
21 consideration of other business. A motion to re-
22 consider the vote by which the motion to pro-
23 ceed is agreed to or not agreed to shall not be
24 in order. If the motion to proceed is agreed to,
25 the House of Representatives or the Senate, as

1 the case may be, shall immediately proceed to
 2 consideration of the reform bill without inter-
 3 vening motion, order, or other business, and the
 4 reform bill shall remain the unfinished business
 5 of the House of Representatives or the Senate,
 6 as the case may be, until disposed of.

7 (D) LIMITED DEBATE.—Debate on the re-
 8 form bill and on all debatable motions and ap-
 9 peals in connection therewith shall be limited to
 10 not more than the lesser of 100 hours or 14
 11 days, which shall be divided equally between
 12 those favoring and those opposing the reform
 13 bill. A motion further to limit debate on the re-
 14 form bill is in order and not debatable.

15 (E) AMENDMENTS.—

16 (i) IN GENERAL.—Subject to clause
 17 (ii), amendments to the reform bill—

18 (I) during consideration in the
 19 House of Representatives shall be lim-
 20 ited in accordance with a rule adopted
 21 by the Committee on Rules of the
 22 House of Representatives; and

23 (II) during consideration in the
 24 Senate shall be limited to—

1 (aa) one first degree amend-
 2 ment per member or that mem-
 3 ber's designee with 1 hour of de-
 4 bate equally divided; and

5 (bb) germane second degree
 6 amendments (without limit) with
 7 30 minutes of debate equally di-
 8 vided.

9 (ii) LEADERSHIP AMENDMENTS.—The
 10 Speaker of the House of Representatives
 11 and the Minority Leader of the House of
 12 Representatives and the Majority Leader
 13 of the Senate and the Minority Leader of
 14 the Senate may each offer 1 first degree
 15 amendment (in addition to the amend-
 16 ments afforded such members under clause
 17 (i)), with 4 hours of debate equally divided
 18 on each such amendment offered. No sec-
 19 ond degree amendments may be offered by
 20 the Speaker of the House of Representa-
 21 tives, the Minority Leader of the House of
 22 Representatives, the Majority Leader of
 23 the Senate, or the Minority Leader of the
 24 Senate in their leadership capacities.

1 (F) VOTE ON FINAL PASSAGE.—Imme-
 2 diately following the conclusion of the debate on
 3 the reform bill, and on all amendments offered
 4 to the reform bill, and all votes required on
 5 amendments offered to the reform bill, the vote
 6 on final passage of the reform bill shall occur.

7 (G) OTHER MOTIONS NOT IN ORDER.—A
 8 motion to postpone consideration of the reform
 9 bill, a motion to proceed to the consideration of
 10 other business, or a motion to recommit the re-
 11 form bill is not in order. A motion to reconsider
 12 the vote by which the reform bill is agreed to
 13 or not agreed to is not in order.

14 (H) APPEALS.—Appeals from the decisions
 15 of the Chair relating to the application of the
 16 rules of the House of Representatives or of the
 17 Senate, as the case may be, to the procedure re-
 18 lating to the reform bill shall be decided with-
 19 out debate.

20 (2) CONSIDERATION BY OTHER HOUSE.—If, be-
 21 fore the passage by one House of the reform bill
 22 that was introduced in such House, such House re-
 23 ceives from the other House a reform bill as passed
 24 by such other House—

1 (A) the reform bill of the other House shall
 2 not be referred to a committee and may only be
 3 considered for final passage in the House that
 4 receives it under subparagraph (C);

5 (B) the procedure in the House in receipt
 6 of the reform bill of the other House, with re-
 7 spect to the reform bill that was introduced in
 8 the House in receipt of the reform bill of the
 9 other House, shall be the same as if no reform
 10 bill had been received from the other House;
 11 and

12 (C) notwithstanding subparagraph (B), the
 13 vote on final passage shall be on the reform bill
 14 of the other House.

15 Upon disposition of a reform bill that is received by
 16 one House from the other House, it shall no longer
 17 be in order to consider the reform bill that was in-
 18 troduced in the receiving House.

19 (3) CONSIDERATION IN CONFERENCE.—

20 (A) CONVENING OF CONFERENCE.—

21 (i) IN GENERAL.—Immediately upon a
 22 final passage of the reform bill that results
 23 in a disagreement between the two Houses
 24 of Congress with respect to the bill, the

1 conferees described in clause (ii) shall be
2 appointed and a conference convened.

3 (ii) CONFEREES DESCRIBED.—The
4 conferees described in this clause are the
5 following:

6 (I) The Speaker of the House of
7 Representatives.

8 (II) The Minority Leader of the
9 House of Representatives.

10 (III) The Majority Leader of the
11 Senate.

12 (IV) The Minority Leader of the
13 Senate.

14 (V) Each member of the Com-
15 mittee on Ways and Means of the
16 House of Representatives.

17 (VI) Each member of the Com-
18 mittee on Finance of the Senate.

19 (B) DEADLINE FOR REPORT.—Not later
20 than 14 days after the date on which conferees
21 are appointed, the conferees shall file a report
22 with the House of Representatives and the Sen-
23 ate resolving the differences between the
24 Houses on the reform bill.

1 (C) LIMITATION ON SCOPE.—A report filed
2 under subparagraph (B) shall be limited to res-
3 olution of the differences between the Houses
4 on the reform bill and shall not include any
5 other matter.

6 (D) HOUSE CONSIDERATION.—

7 (i) IN GENERAL.—Notwithstanding
8 any other rule of the House of Representa-
9 tives, it shall be in order to immediately
10 consider a report of a committee of con-
11 ference on the reform bill filed in accord-
12 ance with subparagraph (B).

13 (ii) DEBATE.—Debate in the House of
14 Representatives on the conference report
15 shall be limited to the lesser of 50 hours
16 or 7 days, equally divided and controlled
17 by the Speaker of the House of Represent-
18 atives and the Minority Leader of the
19 House of Representatives or their des-
20 ignees.

21 (iii) LIMITATION ON MOTIONS.—A
22 motion to further limit debate on the con-
23 ference report is not debatable. A motion
24 to recommit the conference report is not in
25 order, and it is not in order to move to re-

1 consider the vote by which the conference
2 report is agreed to or disagreed to.

3 (iv) VOTE ON FINAL PASSAGE.—A
4 vote on final passage of the conference re-
5 port shall occur immediately at the conclu-
6 sion or yielding back of all time for debate
7 on the conference report.

8 (E) SENATE CONSIDERATION.—

9 (i) IN GENERAL.—The motion to pro-
10 ceed to consideration in the Senate of the
11 conference report shall not be debatable
12 and the reading of such conference report
13 shall be deemed to have been waived.

14 (ii) DEBATE.—Consideration in the
15 Senate of the conference report on a re-
16 form bill shall be limited to the lesser of 50
17 hours or 7 days, equally divided and con-
18 trolled by the Majority Leader and the Mi-
19 nority Leader or their designees.

20 (iii) LIMITATION ON MOTION TO RE-
21 COMMIT.—A motion to recommit the con-
22 ference report is not in order.

23 (4) RULES OF THE SENATE AND HOUSE OF
24 REPRESENTATIVES.—This subsection is enacted by
25 Congress—

1 (A) as an exercise of the rulemaking power
2 of the Senate and House of Representatives, re-
3 spectively, and is deemed to be part of the rules
4 of each House, respectively, but applicable only
5 with respect to the procedure to be followed in
6 that House in the case of a bill, and it super-
7 sedes other rules only to the extent that it is in-
8 consistent with such rules; and

9 (B) with full recognition of the constitu-
10 tional right of either House to change the rules
11 (so far as they relate to the procedure of that
12 House) at any time, in the same manner, and
13 to the same extent as in the case of any other
14 rule of that House.

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